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ERIC POER

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

14 ERIC POER,

15 Plaintiff,

16 v.

17 FTI CONSULTING, INC. and FTI, LLC,

18 Defendants.

Case No. 3:24-cv-04725-JSC

**DECLARATION OF MORGAN E. LEWIS IN  
SUPPORT OF PLAINTIFF'S OPPOSITION TO  
DEFENDANT'S MOTION TO DISMISS**

I, Morgan E. Lewis, declare as follows:

1. I am over 18 years of age and competent to make this Declaration. I am an attorney at the law firm Cooley LLP and am counsel for Plaintiff Eric Poer in the above-captioned case. This Declaration is based on my personal knowledge and, if called upon as a witness, I could and would testify competently as to the matters recited herein.

2. On September 25, 2024, Judge Spero held a hearing on Defendants' Motion to Dismiss Plaintiff's Complaint and Defendants' Motion for Limited Expedited Discovery in *Westerman v. FTI Consulting*, Case No. 24-cv-04118-JCS. My colleagues at Cooley LLP and I are counsel of record for the plaintiff in *Westerman*.

3. Attached hereto as **Exhibit 1** is a true and correct excerpted copy of the transcript of the September 25, 2024 hearing in *Westerman*.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on this 10th day of October 2024, in San Francisco, California.

/s/ Morgan E. Lewis

Morgan E. Lewis

**ATTESTATION OF CONCURRENCE IN FILING**

Pursuant to Civil Local Rule 5(h)(3), I attest that all signatories to this document concur in its filing.

DATED: October 10, 2024

/s/ John Hemann

John Hemann  
Attorneys for Plaintiff